

1 PHILLIP A. TALBERT
United States Attorney
2 EMILY G. SAUVAGEAU
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5

6 Attorneys for Plaintiff
United States of America
7

8 IN THE UNITED STATES DISTRICT COURT
9
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JULIO NEVAREZ-ERUNEZ and
JUAN NIEBLA-OSUNA,

15 Defendants.
16

CASE NO. 2:22-CR-00210-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: April 24, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

17 STIPULATION

18 Plaintiff United States of America, by and through Assistant United States Attorney Emily G.
19 Sauvageau, together with Attorney Hannah Labaree, counsel for defendant Julio Nevarez-Erunez, and
20 Attorney Dina Santos, counsel for defendant Juan Niebla-Osuna, hereby stipulate as follows:

21 1. By previous order, this matter was set for status on April 24, 2023 before the Honorable
22 Kimberly J. Mueller. On April 4, 2023, this matter was reassigned to the Honorable Daniel J.
23 Calabretta.

24 2. By this stipulation, the parties move to continue the status conference until May 11, 2023,
25 at 9:00 a.m., and to exclude time between April 24, 2023, and May 11, 2023, under Local Code T4.

26 3. The parties agree and stipulate, and request that the Court find the following:

27 a) The government has represented that the discovery associated with this case
28 includes law enforcement reports, lab reports, search warrants, photographs, audio recordings,

1 and cell phone extractions. All of this discovery has been either produced directly to counsel
2 and/or made available for inspection and copying.

3 b) Defense counsel desire additional time to consult with their clients regarding
4 discovery and otherwise prepare for trial.

5 c) Defense counsel believe that failure to grant the above-requested continuance
6 would deny the defense the reasonable time necessary for effective preparation, taking into
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of April 24, 2023 to May 11, 2023,
14 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
15 because it results from a continuance granted by the Court at defendant's request on the basis of
16 the Court's finding that the ends of justice served by taking such action outweigh the best interest
17 of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22
23 Dated: April 11, 2023

24 PHILLIP A. TALBERT
United States Attorney

25 /s/ EMILY G. SAUVAGEAU
26 EMILY G. SAUVAGEAU
27 Assistant United States Attorney

1 Dated: April 11, 2023

/s/ HANNAH LABAREE

2 HANNAH LABAREE

3 Counsel for Defendant

Julio Nevarez-Erunez

4 Dated: April 11, 2023

/s/ DINA SANTOS

5 DINA SANTOS

6 Counsel for Defendant

Juan Niebla-Osuna

7

8 **ORDER**

9 IT IS SO FOUND AND ORDERED this 11th day of April, 2023.

10

11 /s/ Daniel J. Calabretta

12 THE HONORABLE DANIEL J. CALABRETTA

13 UNITED STATES DISTRICT JUDGE